

**DAVID A. GOTTARDO, ATTORNEY AT LAW**  
***Patents, Trademarks, Copyrights & Other Intellectual Property Matters***

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**FACSIMILE COVER SHEET**

To: Commissioner for Patents

From: David A. Gottardo

Fax: (703) 872-9306

Pages: 19 PAGES INCLUDING COVER SHEET

Phone: (703) 308-1956

Date: 12/6/04

Re: **Serial No. 10/722,824 – Request for  
Withdrawal as Attorney (37 C.F.R.  
§10.40(e))**

RECEIVED  
CENTRAL FAX CENTER

DEC 06 2004

The following is attached to this cover sheet:

- 1) LETTER OF REQUEST FOR WITHDRAWAL OF ATTORNEY (37 C.F.R. §10.40(e)) with mailing and facsimile certificate and attached letter to client confirming attorney withdrawal dated 12/06/2004 (Exhibit A), both in triplicate; and
- 2) Patent Office Form (PTO/SB/83) REQUEST FOR WITHDRAWAL AS ATTORNEY (in triplicate).

Favorable consideration is requested.

**CONTENTS SENT IN TRIPLICATE**

THE MESSAGE TRANSMITTED UNDER THIS COVER IS INTENDED FOR THE NAMED RECIPIENT ONLY AND MAY CONTAIN BUSINESS CONFIDENTIAL INFORMATION OR INFORMATION SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE OR ATTORNEYWORK PRODUCT IMMUNITY. IN THE EVENT THIS MESSAGE IS RECEIVED AT A LOCATION WHERE IT CANNOT BE CONVEYED TO THE NAMED RECIPIENT, KINDLY NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE/FACSIMILE (IF LONG DISTANCE CALL COLLECT) AND RETURN THE RECEIVED MESSAGE TO THE SENDER BY U.S. MAIL.

Express Mailing Label No. ED 245723035 US (FAXed to (703) 872-9306)

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12/6/2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Joseph Day, Jr.	
Serial No:	10/722,824	Examiner: Marguerite J. McMahon
Filed:	11/26/2003	
Title:	POSITIVE PRESSURE VAPOR FUEL INJECTION SYSTEM	Art Unit 3747

**LETTER OF REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. §10.40(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I, an attorney signing below and per attached form (PTO/SB/83), respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. §1.36.

**BASIS FOR WITHDRAWAL REQUEST**

Practitioner, David A. Gottardo, Esq., engaged client/applicant Joseph Day, Jr. during the first week of November, 2004. Practitioner thereafter received a first-action Notice of Allowance for the client/applicant's pending application.

Upon practitioner's review of the client/applicant's patent specification and claims, practitioner recommended that the client/applicant take a course of action in relation to the allowed application and at least prior to payment of the Issue/Publication Fees.

Despite extended discussions, practitioner and client/applicant could not reach an agreement regarding practitioner's recommended course of action.

Practitioner and client/applicant thereafter mutually agreed to the practitioner's withdrawal from the client/applicant's case. The client/applicant thus knowingly and freely assents to termination of the employment. (37 C.F.R. §10.40(c)(5)).

In further support of this withdrawal request, the practitioner states the following:

In not reaching an agreement regarding the practitioner's recommended course of action, the client/applicant insists that the practitioner engage in conduct that is contrary to the judgment and advice of the practitioner, but not prohibited under the Disciplinary Rules. (37 C.F.R. §10.40(c)(1)(v)). To practitioner's knowledge, the present matter is not pending before a tribunal.

The client/applicant renders it unreasonably difficult for the practitioner to carry out the employment effectively. (37 C.F.R. §10.40(c)(1)(iv)).

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Request for Withdrawal of Attorney (37 C.F.R. §10.40(c))

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12/6/2004

**ALLOWANCE OF TIME FOR CLIENT TO ACT**

Status of the Application: Under Notice of Allowance dated 10/29/2004.

Response Due: Payment of Issue/Publication Fees (and/or other action) due 01/31/2005.

Time Left for Response: As of the date of this request, client/applicant has 57 days (at least 8 weeks) to pay the Issue/Publication Fees and/or take other action.

**AVOIDANCE OF PREJUDICE TO CLIENT (37 C.F.R. §10.40(a))**

Due Notice to Client/Applicant:

Practitioner and client/applicant mutually agreed to practitioner's withdrawal during a meeting that occurred on 12/02/2004. Client/applicant knowingly and freely assents to termination of the employment.

A copy of a letter to the client/applicant dated 12/06/2004, confirming practitioner's withdrawal, is attached to this request. (See Exhibit A). Practitioner has attached a copy of this request to the letter to the client/applicant as well.

Preservation of Rights of Client/Applicant:

To avoid prejudice to the rights of the client/applicant, practitioner has included the following information/enclosures with his withdrawal confirmation letter (Exhibit A) to the client/applicant:

- A. the client/applicant's file;
- B. a copy of the Notice of Allowance, Fee(s) Transmittal (PTOL-85) and Change of Correspondence Address (PTO/SB/122) forms;
- C. notification that payment of the Issue/Publication Fees and/or other action is due 01/31/2005;
- D. telephone numbers of the Patent and Trademark Office Inventor's Assistance Center and the respective names and telephone numbers of the Examiner and Supervisor handling the application;
- E. telephone numbers of the Chicago, Illinois and American Bar Associations to assist the client/applicant in obtaining new patent counsel, if desired; and
- F. a refund check for advanced fees paid to practitioner.

**NEW CORRESPONDENCE ADDRESS**

Please send all future correspondence regarding the present application to applicant's home address:

Joseph Day, Jr.  
3104 North Rutherford  
Chicago, Illinois 60634  
Ph: (773) 745-6868

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Request for Withdrawal of Attorney (37 C.F.R. §10.40(c))

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12/6/2004

### NUMBER OF COPIES OF REQUEST

This request, with attachments (form PTO/SB/83 and letter to client (Exhibit A)), is enclosed in triplicate (1 original plus 2 copies).

### SIGNATURE OF WITHDRAWING PRACTITIONER



David A. Gottardo, Esq. (Reg. No. 46,736)

Favorable consideration of the above withdrawal is respectfully requested.

Respectfully submitted,

DAVID A. GOTTARDO, ATTORNEY AT LAW

Date: December 6, 2004

By:



David A. Gottardo (Reg. No. 46,736)  
DAVID A. GOTTARDO, ATTORNEY AT LAW  
918 South Kenilworth Avenue, Suite 01  
Oak Park, Illinois 60304  
O: (708) 763-9526  
F: (708) 763-9527  
Attorney for Applicant

### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10

I hereby certify that on December 6, 2004, this correspondence is being:

1. Deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee," Mailing Label No. ED 245723035 US; and
2. Facsimile transmitted to the Patent and Trademark Office at (703) 872-9306.

By:



David A. Gottardo

Mailed via Express Mailing Label No. ED 245723835 US  
Also FAXed to (708) 872-9306

PTO/SB/83 (09-04)

Approved for use through 11/30/2005, OMB 0831-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/722,824
Filing Date	11/26/2003
First Named Inventor	Joseph Day, Jr.
Art Unit	3747
Examiner Name	Marguerite J. McMahon
Attorney Docket Number	JD-001

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☒ the attorneys/agents (with registration numbers) listed on the attached paper(s), or  
(Please See Attached Letter)
- ☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

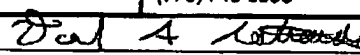
The reasons for this request are: The practitioner's client knowingly and freely assents to termination of employment (37 CFR 10.40(c)(5)); The petitioner's client renders it unreasonably difficult for the practitioner to carry out the employment effectively (10.40(c)(1)(iv)); The petitioner's client insists that the practitioner engage in conduct that is contrary to the judgement/advice of the practitioner (10.40(c)(1)(v)).

## CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Joseph Day, Jr. (Applicant)				
Address	3104 North Rutherford				
City	Chicago	State	Illinois	Zip	60634
Country	U.S.A.				
Telephone	(773) 746-6868		Fax		
Signature					
Name	David A. Gottardo, Esq.		Registration No.	46,736	
Date	12/06/2004		Telephone No.	(708) 763-9526	

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.